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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,352	11/25/2003	Timothy J. Chainer	00280428BC	3892
30743	7590	05/24/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/720,352

Applicant(s)

CHAINER ET AL.

Examiner

DARYL C. POPE

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-40 and 43-45 is/are rejected.
- 7) ☒ Claim(s) 41 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 34-40, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al.**

-- In considering **claims 34,39,40, and 43** the claimed subject matter that is met by Finn et al(Finn) includes:

- 1) the electronic event recorder is met by the asset monitoring system(fig. 12)
- 2) the memory for storing signature data is met by the memory device(1275, column 22, lines 22-25);
- 3) the at least one sensor is met by the sensor(1126) monitors any desired status of cargo(1134, column 20, lines 39-43);
- 4) the at least one transmitter and receiver is met by the communication means(1265,1250) which establish communication between the operator interface, asset monitor(1114) and central station(1112, column 20, lines 22-30);
- 5) the remote receive is met by the communication means(1285) of the central station;

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6) the microprocessor associated with the sensor, memory, transmitter and receiver, and causing the transmitter to transmit signature data to the remote receiver is met by the microprocessor(1280) of the operator interface(see: column 21, lines 61-65) in conjunction with the processor(1210) of the monitor(1114).

Although Finn does not specifically state tampering as a monitored event, Finn does stat that the sensors monitor any desired status of the cargo(see: column 20, lines 39-43) and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate tampering with cargo, lock associated with the vehicle and cargo, and as well, tampering with the event recorder in itself of Finn, since Finn already desires the overall care and monitoring of the cargo and as well provides status reports based on historical data of the cargo(see: column 21, lines 1-40), and therefore transmission of data to the central station based any form of tampering to the system of Finn, would have been advantageous to the overall safety and efficiency of the system.

-- **Claims 35-37** recite subject matter met as discussed in claim 34 above, as well as:

1) the smart card being associated with memory, microprocessor, and sensors is met by the operator interface(1240) including microprocessors, tag sensors, memory, and links to sensors(see: column 21, lines 61 et seq; column 22, lines 1-17);

2) the transmitter and receiver integrated on the smart card is met by the communication means included in the operator interface(1240, fig. 12).

-- **Claim 45** recites subject matter that is met as discussed in claim 34 above, as well as:

1) the clock is met by the precision timing generator(714, column 13, lines 25-54) of the impulse radio transmitter(1132)/receiver(1114a) which allows establishment and variation of the duty cycle of the transmitter so as to adjust continual monitoring of the asset or conservation of battery life as desired(see: column 16, lines 58 et seq; column 17, lines 1-8).

**3. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al(Finn) in view of Price R-W et al(6,052,068).**

-- In considering **claim 44**, use of encrypted data for the purpose of securing signals is well known. In related art, Price R-W et al(Price) discloses a vehicle identification system which utilizes encryptor circuit(33) for the purpose of securing data to be transmitted by the system(see: column 5, lines 48). Since the use of an encryptor in a vehicle data system is well known as seen by Price, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the encryptor of Price into the system of Finn, since encryption of data is a well known security measure that discourages unauthorized use of received information, and therefore would have helped ensure the overall security of the system by only allowing authorized users to ascertain signature data as desired.

As well, all other claimed subject matter is met as discussed in claim 34 above.

***Allowable Subject Matter***

4. Claims 41 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is a statement of reasons for the indication of allowable subject matter:

With regards to claims 41 and 42, the primary reasons for indicating allowable subject matter is met inclusion of the limitations of the microprocessor causing the vehicle to be disabled and the transmitter to stop transmitting, respectively, in conjunction with all other limitations of claim 34.

**REMARKS:**

6. This Office Action is in response to applicant's submitted preliminary amendment dated 11/25/2003, which was not in the examiner's possession at the time of the office action mailed 12/14/2004. Thusly, a new grounds of rejection has been stated in response to the amendment of 11/15/2003, and as well the finality has been rescinded and period for response restarted.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is (571) 272-2959. The examiner can normally be reached on M-TH 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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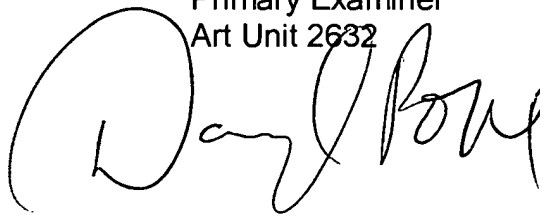
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

May 19, 2005

DARYL C POPE  
Primary Examiner  
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A handwritten signature in black ink, appearing to read "Daryl C. Pope". The signature is stylized with a large, looped initial "D" and a cursive "Pope".